

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**OLLEN G. COLBERT, Jr.**

3475 Vine St.

Cincinnati, Ohio 45220

Plaintiff,

vs.

**CINCINNATI GAS AND ELECTRIC CO.**

139 E. Fourth St.

Cincinnati, Ohio 45202

and

**INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, LOCAL 1347**

4100 Colerain Avenue

Cincinnati, Ohio 45223-2590

Defendants.

) Case No.: C-1-00-909

) Judge Susan J. Dlott

) Magistrate Judge Timothy J. Hogan

**STIPULATION OF COUNSEL  
FOR EXTENSION OF TIME**

COME NOW THE COUNSEL FOR THE PARTIES, Ariane S. Johnson, Counsel for Defendant, Cinergy/The Cincinnati Gas and Electric Company, Jerry Spicer, Counsel for Defendant, International Brotherhood of Electrical Workers, Local 1347, and Rose Ann Fleming, Counsel for Plaintiff, Ollen G Colbert, Jr. to stipulate to an extension of time for Plaintiff's Counsel to complete her research to answer or otherwise respond to the Motion for Summary Judgment filed by Cinergy/The Cincinnati, Gas and Electric Company on January 13, 2005 and to the Motion for Summary Judgment filed by Defendant International Brotherhood of Electrical Workers, Local 1347 on January 14, 2005. Parties have agreed that Plaintiff may have an extension of time from February 21, 2005 to March 8, 2005.

Plaintiff requested this extension of opposing counsel in order to complete the research required to respond appropriately to the issues raised in the two separate Motions for Summary Judgment filed by the Defendants individually in this matter.

The parties respectfully note for the Court no prejudice should occur to either side by the Plaintiff taking adequate time to fully brief his opposition to the two pending dispositive motions of the Defendants because Plaintiff pledges not to oppose any request for extension of time requested by either or both of the Defendants.

SO AGREED.

**Defendants:**

**The International Brotherhood of  
Electrical Workers, Local 1347**

/s/ Jerry A. Spicer

**Jerry Alan Spicer** per phone authorization 2/17/05 to sign electronically.

Bar Id. #0011385

Snyder Rakay & Spicer

11 W Monument Building

Suite 307

Dayton, OH 45402

937-228-2696

Fax: 937-228-5248

Email: snyrakspi@aol.com

**Cinergy/The Cincinnati Gas and Electric Company**

/s/ Arian Schallwig Johnson

**Arian Schallwig Johnson** per phone authorization 2/17/05 to sign

Bar Id. #0077236

electronically

Cinergy Corporation

1000 East Main Street

Plainfield, IN 46168

317-838-1235

Fax: 317-838-1842

Email: arian.johnson@cinergy.com

**Plaintiff:**

**Ollen G. Colbert, Jr.**

/s/Rose Ann Fleming

Rose Ann Fleming

Bar Id. #0041337

ROSE ANN FLEMING, P. C.

3855 Ledgewood Drive, Suite 13

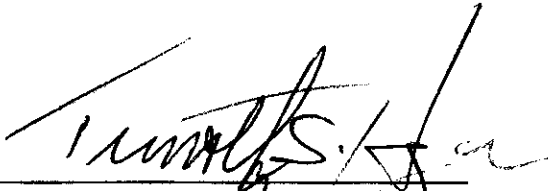
Cincinnati, OH 45207

Phone: 513-924-83839

Fax: 513-745-4282

Email: Fleming@xavier.edu

BE IT SO ORDERED.



Magistrate Judge Timothy S. Hogan  
United States District Court  
Southern District of Ohio,  
Western Division (Cincinnati, Ohio)